

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

EVANS F. SON, JR.,	)	
	)	
Plaintiff,	)	Case No. 4:07cv299DDN
	)	
v.	)	<b>JURY TRIAL DEMANDED</b>
	)	
SUSAN LORETTA THOMAS, and	)	
Serve: 201 Sylvis Street, Apt. #2	)	
Dickson, TN 37055	)	
	)	
WESTERN EXPRESS, INC.	)	
Serve: Registered Agent	)	
Joseph Rebman	)	
Attorney at Law	)	
8000 Maryland Avenue, Ste. 1060	)	
St. Louis, MO 63105	)	
	)	
Defendants.	)	

---

**COMPLAINT**

---

**COMES NOW PLAINTIFF**, and for his cause of action at Count I against Defendants Susan Loretta Thomas and Western Express, Inc., states as follows:

1. This Court has jurisdiction and venue pursuant to 28 U.S.C.A. §1332 and Local Rule 3-2.07(B)(3).

2. Plaintiff Evans F. Son, Jr., is a resident and citizen of the State of South Carolina, residing in Lexington County, South Carolina. The acts that give rise to this cause of action accrued as a result of a motor vehicle accident which occurred in the metropolitan St. Louis Area in Foristell, Missouri, near the intersection of Highway I-70 and State Highway W, in St. Charles County.

3. Defendant Susan Loretta Thomas is a resident and citizen of the State of Tennessee, residing in Dickson County, Tennessee. Defendant Susan Loretta Thomas was the agent, servant, and employee of Defendant Western Express, Inc., and who was operating a motor vehicle as the agent, servant, and employee of Western Express, Inc., at the time of the accident at issue herein.

4. Defendant Western Express, Inc., is a Tennessee corporation with its principal place of business located in Nashville, Tennessee, and its registered agent of record for service of process is Joseph Rebman, 8000 Maryland Avenue, Suite 1060, St. Louis, MO 63105.

5. On or about July 19, 2004, Plaintiff's tractor-trailer was stopped and parked at the BP/TA Trucking Center parking lot, near the North Service Road E., immediately North and parallel to Interstate I-70 in St. Charles County, MO, near exit ramp 203 on I-70 at Foristell, when suddenly and without warning, he was struck by a tractor-trailer operated by Defendant Susan Loretta Thomas, while said Defendant was attempting to make a right hand turn.

6. The aforesaid occurrence was directly and proximately caused by the carelessness and negligence of Defendant in the operation of her motor vehicle in one or more of the following respects:

- a. Defendant drove at an excessive speed;
- b. Defendant failed to keep a careful lookout; and
- c. Defendant knew or by the use of the highest degree of care could have known that there was a reasonable likelihood of collision in time thereafter to have stopped, or swerved, or slackened speed, or sounded a warning, or slackened speed and swerved, or slackened speed and sounded a warning, or swerved and sounded a warning, but failed to do so.

7. As a direct and proximate result of the carelessness and negligence of Defendants, Plaintiff has been caused to suffer permanent and disabling bodily injuries and damages, and will continue to suffer from the same in the future. Specifically, Plaintiff suffered injuries to his head, left knee, right knee, left arm, fingers on left hand, left shoulder, back, and neck.

8. As a direct and proximate result of his aforesaid injuries, Plaintiff has been required to expend, or become indebted for, reasonable and necessary medical care and treatment.

9. Plaintiff has had to endure pain and suffering due to his injuries and will continue to suffer from the same in the future.

10. As a direct and proximate result of his aforesaid injuries, Plaintiff has suffered lost wages.

WHEREFORE, Plaintiff states he has been injured and prays for judgment in his favor and against Defendant Susan Loretta Thomas and Defendant Western Express, Inc., for damages in an amount in excess of seventy-five thousand dollars (\$75,000), for his costs associated herein, and for such other and further relief as this Court may deem just and proper.

Respectfully Submitted,

DeVOTO & BENBENEK, LLC

/s/ Thomas C. DeVoto  
Thomas C. DeVoto, #7912  
7646 Watson Road  
St. Louis, MO 63119  
Telephone: 314-961-0330  
FAX: 314-963-7754

ATTORNEYS FOR PLAINTIFF